

(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4339 /2004

PETITIONER
Plaintiff

P.R. No. 4339/04
Presented by Shri. M. B. Singh
dated 08/11/04

✓ Smt. Lalmuni Devi Gupta, W/o. Shri
Ramkedar Prasad, Caste-Roniyar
(Gupta) Age about 50 yrs, R/o. Vill.
Kanakpur, Thana-Jainagar, Tah.
Surajpur, Dist. Surguja (C.G.)

VERSUS

RESPONDENTS
Defendants

1. ✓ State of Chhattisgarh,
Through the Collector, Surguja (C.G.)
2. ✓ Commandant 10th Batalian, Kanakpur,
Silphili, Tehsil-Surajpur, Dist. Surguja
(C.G.)

RE
6.11.04

WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA.

आदेश पत्रक

मामला क्रमांक

WP No. 4339/04

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16/12/2004 Shri F.S. Khare, Counsel for the petitioner. Smt. Fouzia Mirza, Panel Lawyer for the State. Heard on admission as well as on M.W.P.No.4691/2004. Learned Court below vide order dated 06/10/2004 took the written statement on record filed by the respondents after 90 days of limitation as fixed under Order 8 Rule 1 of the C.P.C., by mentioning specific reasons. The said order has been challenged in this petition and the contention of the petitioner is that after the period of 90 days Court below is debarred from taking written statement on record. Order 8 Rule 1 of the C.P.C., and Order 8 Rule 9 of the C.P.C. reads as below: "1. Written statement- the defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence; Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons. 9. Subsequent pleadings- No pleading subsequent to the written statement of a defendant	

देखिये

आदेश पत्रक

मामला क्रमांक

W.P. No. 4339/04
सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	other than by way of defence to set-off or counter-claim shall be presented except by the leave of the court and upon such terms as the Court thinks fit; but the Court may at any time require a written statement or additional written statement from any of the parties and fix a time of not more than thirty days for presenting the same." From a bare reading, it reveals that the Court has ample power to ask for a written statement at any time, therefore, if the limitation as enumerated under Order 8, Rule 1 of the C.P.C., has been expired, the same does not curtail the power of the Court to accept the written statement. The order passed by the trial Court is not an order which can be said to be passed causing miscarriage of justice or misusing the process of law. In these circumstances, the petition deserves to be dismissed and is accordingly dismissed. Consequently M.W.P.No.4691/2004 and I.A.No.8772/2004 stand disposed of. Sd/- V.K. Shrivastava Judge	

[पीछे देखिये]

Rajiv

22/12

14/12
28.12.04